

EX PARTE OR LATE FILED

Steven Teplitz
Vice President and
Associate General Counsel

September 4, 2002

Via Hand Delivery

RECEIVED

Ms. Marlene H. Dortch, Secretary
Federal Communication Commission
445 12th Street, S.W. - The Portals
Washington, D.C. 20554

SEP - 4 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Presentation
Digital Must Carry, CS Docket No. 98-120

Dear Ms. Dortch:

On September 3, 2002, the undersigned met with Alexis D. Johns, Legal Advisor, Office of Commissioner Copps, to discuss the definition of "primary video" as it relates to the digital signal of a broadcaster. We also discussed issues related to "dual must carry" and the definition of "program-related".

During the meeting, I summarized AOL Time Warner's views as detailed in filings submitted by Time Warner Cable on May 25, 2001 and August 21, 2001, and by Home Box Office on June 11, 2001. In particular, these filings urge the Commission to (1) reaffirm its conclusion that "primary video" includes only a single video stream; (2) reject broadcasters' pleas to impose a dual-carriage regime during the transition, and (3) reject broadcasters' attempts to expand in any way the concept of "program-related" beyond the narrow scope of program-related material in the analog context.

Pursuant to Section 1.1206(b) of the Commission's rules, two copies of this Notice are being provided to you for inclusion in the public record in the above-captioned proceeding. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,



Steven N. Teplitz

cc: Alexis D. Johns

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